

SARITA KEDIA

LAW OFFICES, P.C.

5 EAST 22ND STREET, SUITE 7B
NEW YORK, NEW YORK 10010
WWW.KEDIALAW.COM

INFO@KEDIALAW.COM

TEL: 212.681.0202
FAX: 212.614.0202

May 11, 2012

BY ECF

Nicole Argentieri
Rachel Nash
Allon Lifshitz
Assistant United States Attorneys
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Persico, et al., S-4 10 Cr. 147 (SLT)

Dear Government Counsel:

We write regarding several issues:

- (1) Please advise to whom you refer as “CW#7” in your in limine motion dated May 8, 2012, in order that we may prepare a response to the motion.
- (2) It appears from the government’s May 8th in limine motion that it intends to call at least five cooperating witnesses for whom we have not received any 3500 material. Although the government represented in its April 16, 2012, filing that it would begin production of 3500 material six weeks before trial, it only began producing that material last week and has yet to produce what we expect is a tremendous volume of such material. Therefore, we ask that you immediately provide the remainder of the 3500 material for at least your cooperating witnesses, if not all of your witnesses, in order that we do not need to seek extended continuances of the trial date or cause unnecessary delay during the course of the trial. We note that two cooperators we believe you intend to call based on your May 8th in limine motion, Dino Calabro and Reynold Maragni, testified in United States v. Gioeli, 08 Cr. 240 (BMC). Thus, there should be no reason for the government’s continued delay in producing that material.
- (3) With respect to 3500 material of Steven Marcus, at least one page appears to be missing. That is SM-16, pp. 130-131, appears to be the 2nd and 3rd pages of a 1023 of

Nicole Argentieri
Rachel Nash
Allon Lifshitz
Assistant United States Attorneys
May 11, 2012
Page 2

- which the 1st page is missing. Based on the material provided, we believe that the 1023 may relate to recordings made on April 7, 2009. Please provide all missing items.
- (4) Although the government represented in its April 16, 2012, submission that it would produce draft transcripts as they became available, we have yet to receive draft or completed transcripts of the 830 Marcus recordings the government intends to introduce at trial. As we expect that this is a significant amount of material, we will need it as soon as possible in order that we may review it for accuracy before trial.
- (5) One week ago, on May 4, 2012, Ms. Argentieri informed that she would promptly provide information regarding the witnesses under the government's control whom the defense wishes to interview and/or call to testify as requested in our May 1, 2012, letter. We are still awaiting receipt of this information.
- (6) By letter dated April 13, 2012, we requested that you provide the date, time and location of the meeting you claim occurred among Michael Persico, Anthony Preza, Anthony Russo and "another individual" in relation to the conduct charged in Count One, Racketeering Act Twelve, and Counts Four and Five of the indictment. See Affidavit of FBI Agent Chance Adam dated March 30, 2012, at 6-7, ¶ 10. We have yet to receive a response.
- (7) We are still awaiting a response to our April 18th request as to whether you intend to introduce any evidence obtained during the 1991 search of Romantique Limousines in order that we may determine whether to file a suppression motion. If you do not, we will not unnecessarily burden the Court with additional motion practice.

Please let us know as soon as possible.

Very truly yours,
/s/
Sarita Kedia
Paul Shechtman

Attorneys for Michael Persico